

204. The display device of claim 200, wherein said fine particles comprise a metal oxide selected from the group consisting of  $In_2O_3$ ,  $SnO_2$ ,  $BaO$ ,  $MgO$  and  $Sb_2O_3$ .

205. The display device of claim 155, wherein said fine particles comprise Pd or  $SnO_2$ .--

REMARKS

The pending claims are 67-107, 109-111, 113-124 and 131-205. Claims 67, 94, 95, 97, 98 105 and 155 have been amended and new claims 156-205 have been added to more clearly define the present invention.

The specification has been amended to relate the specification to the Fig. 39D which has been presented to show the fluorescent members of the display device.

The Examiner objected to the drawings as not showing each feature of the claims, specifically the "phosphor" recited in claims 67 and 155. Applicants are herewith submitting a Request for Approval for Drawing Changes including Fig. 39D. Fig. 39D is a view of Fig. 39A with the laminate of the face plate, the transparent electrode and the fluorescent members exposed. In Fig. 39A, as noted in the Preliminary Amendment dated May 23, 1991 at page 3, lines 11-20, these features were not shown.

Accordingly, Applicants believe they have responded

to the Examiner's concern regarding the fluorescent members at the inner side of the face plate.

Claims 67-95, 97-132 and 155 were rejected under 35 U.S.C. § 112 as being indefinite for the reasons stated.

In order to reduce the issues and to expedite prosecution Applicants have amended the claims as follows:

1. As kindly suggested by the Examiner, the term "face plate" is now on a separate line.

2. The claims have been amended to recite the fluorescent members being located in the inner side of a face plate disposed above the electron emitting device.

3. In claims 118, 119 and 124 the phrase "said semiconductor layer" has been changed to --said semiconductor-- to correspond to claim 117.

The specification was objected to and claims 67-93 and 155 were rejected under 35 U.S.C. § 112, first paragraph for the reasons stated.

In response, the claims have been amended to recite fluorescent members located at the inner side of the face plate.

Applicants believe that the amendments have obviated the § 112 rejections and respectfully request they be withdrawn.

Claims 67-95, 97-99, 101-107 and 109-116 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-38 and 40-49

of Yoshioka, US Patent 5,066,883 in view of Klopfer for the reasons stated. That rejection is respectfully traversed.

As noted by the Examiner Yoshioka does not claim a display device having fluorescent members at the inner side of a face plate which is located above the electron-emitting device. In determining the propriety of an obvious-type double patenting it is necessary to make a "two-way" determination. That is, there is no obviousness-type double patenting if either set of claims in the allegedly conflicting cases is patentably distinct from the other. *In re Bratt*, 19 USPQ2d, 1289, 1293 (Fed. Cir. 1991). It is respectfully submitted that the present claims featuring the fluorescent members located at the inner side of a face plate above the electron emitting device are patentably distinct from Yoshioka. There is nothing in the claims of Yoshioka to suggest the display device of the present invention. Accordingly, Applicants believe that a clear patentable line of demarcation is maintained between the claims of the present invention and Yoshioka.

Klopfer relates to a cathode assembly for an electric discharge tube provided with a phosphor screen. However, Klopfer does not suggest or teach the fluorescent members located at the inner side of a face plate above the electron emitting device as in the present invention.

There is, therefore, no motivation for one of ordinary skill in the art to look to Klopfer to practice the present invention.

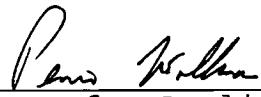
Applicants filed an Information Disclosure Statement June 23, 1994 and indicated they would supply the English abstracts of the non-English documents submitted with the Information Disclosure Statement when they became available. Accordingly, Applicants are herewith submitting the English abstracts.

CONCLUSION

Favorable consideration of the claims and allowance of the subject application are earnestly solicited.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 758-2400. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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